

c#

T H E
A N S W E R
A N D
D E F E N C E
O F

Admiral *MATHEWS*,
Late Commander in Chief of His
MAJESTY'S Fleet in the *Mediterranean Sea*,

To the CHARGE exhibited against him.

The SECOND EDITION.

o To which is added,
The CHARGE at Large against him.

A L S O

LETTERS to and from the C—t M—rt—l, Re-
lative to the Affair of Lieutenant F—y.

L O N D O N :

Printed for *William Malin*, near *Temple-Bar*; and Sold
by all the Bookfellers and Pamphletfellers of *London* and
Westminster. [Price One Shilling.]

Rec. May 15, 1900.

THE
CHARGE

AGAINST

A———l M———s.

THAT for the better Regulating and Conducting of his Majesty's Fleet, the Execution of his Majesty's Instructions, and the Destruction of his Majesty's Enemies, hath been the constant Practice of all Admirals, and Commanders in Chief, and esteemed by them of the highest Importance for his Majesty's Service to hold frequent Councils of War. And all Councils of War being directed (by the Instructions established by his Majesty in Council, and relating to his Majesty's Service at Sea) to be held by Flag-Officers only; but if the Number

of Flag-Officers should be less in Company than three, in that Case, the Commander in Chief is impower'd to call to Councils of War, such of the senior Captains as he shall in his Discretion, think necessary: Notwithstanding which, T—— M——, Esq; in the Month of *February* 1743, being Admiral and Commander in Chief of his Majesty's Fleet in the *Mediterranean* Sea, having then under his Command R—— L——, Esq; Vice-Admiral of the White Squadron; and W—— R——, Esq; Rear-Admiral of the White Squadron, as inferior Flag-Officers and having then under his Command a Squadron of his Majesty's Ships of War, containing twenty-eight Ships of the Line, besides other small Ships of War, did not, in the whole said Month of *February*, call a summon, or hold a Council of War, consisting as aforesaid, of Flag-Officers, or Flag-Officers and senior Captains, notwithstanding the combination'd Fleets of *France* and *Spain* appeared in Sight, and continued in View of his Majesty's Fleet under the Command of the said T—— M——, on the 8th, 9th, 10th, 11th, 12th, and 13th Days of *February* 1743; during which Time the Summoning a Council of War was of the greatest Necessity for his Majesty's Service, and was urgent and incumbent on him to have done. Yet he, on neither of those Days aforesaid did call, or assemble together a Council of War, contrary to the constant Practice of Admirals.

Admirals and Commanders in Chief, in Breach and Neglect of his Duty in that Behalf, and to the great Danger of his Majesty's Fleet.

2. Notwithstanding the Charge, and sole Command of his Majesty's Fleet are intrusted to the Admiral and Commander in Chief, and the Well-being and Safety of the said Fleet does, in especial Manner, depend upon his Conduct, and whose Duty it is to appoint necessary and proper Signals for the better conducting the said Fleet under his Command, as well by Night as by Day, according to the various Exigencies of his Majesty's Service, yet the said *T*—— *M*—— did not direct and appoint necessary and proper Signals for the better Conducting the said Fleet under his Command, and the Execution of his Majesty's Instructions; particularly, by not appointing Signals in the Night for the said Fleet bringing to, and keeping in a Line of Battle, engaging, giving Chace, and giving over Chace, according to the various Exigencies of his Majesty's Service; but on the contrary, on the 10th of the said Month of *February* 1743, his Majesty's Fleet came bearing down on the said combin'd Fleets of *France* and *Spain*, then laying to in a regular, well-form'd Line of Battle, in full Sight, and within four, five, or six Miles Distance of his Majesty's Fleet, the said *T*—— *M*—— in the Night did not make
the

the Night-Signal for the Fleet to bring to, by which Signal the Windward-most Ships of the Fleet were to bring to first, and did not appoint, and make a Night-Signal to form the Line of Battle, and to bring to and keep in the Line.

3. That in the Morning of the said 11th of *February*, the said *R* — *L* —, and his Division, being separated astern, and to Windward of the Centre of his Majesty's Fleet, and the said *W* — *R* — y's Division, as aforesaid, being three, four, or five Miles to Windward of the Centre of his Majesty's Fleet, the said *T* — *M* — did make Sail with the Centre of the said Fleet, bearing down upon the combin'd Fleets of *France* and *Spain*, his Majesty's Enemies and their Confederates, and did not give sufficient Time for the said *R* — *L* — k and the said *W* — *R* — y's Divisions to come up to form and close the Line of Battle, but did continue to bear down upon the said combin'd Fleets, and by making so much Sail as he did, did increase the Distance betwixt the said *R* — *L* — k's Division, and the Centre of the Fleet; and notwithstanding the said *T* — *M* — had sent Lieutenant *J* — to acquaint the said *R* — *L* — That he would lay by for him, until the said *R* — *L* — could come up, and close the Line; yet the said *T* — *M* — did not shorten Sail sufficient for the said *R* —

L —

L—, and his Division to come up, and close the Line; nor did he lay by with the Centre of the Fleet for the said R—L—, according to his Order and Message by the said Lieutenant J—, contrary to Discipline, in Breach of his Duty, and to the great Danger of his Majesty's Fleet.

4. That in the Morning on the said 11th of February, near three Hours before the Action began, which afterwards ensu'd between Part of his Majesty's Fleet, and the combined Fleets of *France* and *Spain*, the said T— M— continuing with the Centre of the Fleet separate and apart, as aforesaid, from the said R— L—'s, and the said W— R—y's Divisions, did make the Signal to engage the Enemy, before the Fleet was ready, and form'd in Order of Battle, according to the Signal for that Purpose, and the Fighting-Instructions, whereupon the combin'd Fleets did spread Sail, and stretch to the Southward, in order to gain the Wind of his Majesty's Fleet, or to draw the said Fleet to join Battle in Fight at a Disadvantage, and on unequal Terms, in as much as the combin'd Fleets kept in a regular, well-form'd Line of Battle, and the said T— M—, by not using the Means which were in his Power, did not form, or keep the said Fleet under his Command in a Line of Battle, which

which was his Duty to have done, agreeable to the Signal aforesaid and Discipline.

5. That by the 19th Article of the Fighting-Instructions, it is expressly directed, That if the Admiral and his Fleet have the Wind of the Enemy, and they have stretch'd themselves in a Line of Battle, the Van of the Admiral's Fleet is to steer with the Van of the Enemy's, and there to engage them; in Breach of which 19th Article, the Admiral being to Windward of the Enemy, and the Enemy then stretching themselves in Line of Battle, he did not then cause the Van of his Fleet to steer with the Van of the Enemy's Fleet, by Reason whereof the Van of his Fleet could not join Battle with, nor engage the Van of the Enemy's Fleet; nor could the Centre of the *British* Fleet join Battle with, or engage the Centre of the Enemy's Fleet; but, instead thereof, the Admiral, by bearing down with the Centre upon the Rear of the Enemy's Fleet, did thereby endanger the Van of the *British* Fleet, by leaving the same exposed to the Van and Centre of the Enemy's Fleet. The said *W—— R——*, who commanded the Van of his Majesty's said Fleet, on the said 11th of *February*, instead of being far enough a-head to attack the Van of the combined Fleets, according to the Signal then abroad and the Fighting-Instructions, being where

the said *T* — *M* —, as aforesaid, should have been, the said *T* — *M* —, instead of being far enough a-head to attack the combin'd Fleets, being where the said *R* — *L* —, as aforesaid, should have been; and the said *R* — *L* —, instead of being far enough a-head to attack the *Spanish* Squadron, which was the Enemy's Rear, being a great Distance a-stern; and the said *T* — *M* —, and the said *R* — *L* —, the said *W* — *R* —, being each of them a-stern of their Stations in the Line of Battle, as aforesaid, the said *T* — *M* —, contrary to Discipline, the Signal for the Line of Battle then abroad, and the Fighting-Instructions, to the great Danger of his Majesty's Fleet, did bear down, in his Ship, *Namur*, with his Majesty's Ship *Marlborough*, and attack the *Spanish* Admiral in the Rear of the combin'd Fleet.

6. That the said *T* — *M* —, on the said 11th of *February*, by bearing away to attack the *Spanish* Admiral aforesaid, did occasion all the Ships, from the *Princess Caroline*, posted in the Line of Battle of his Majesty's Fleet, to the *Dunkirk*, to fire at the *Spanish* Squadron, the Rear of the combin'd Fleets, the said Ships being the *Berwick*, *Kingston*, *Salisbury*, and *Guernsey*, (of the said *W* — *R* — y's Division) the *Bedford*, *Dragon*, *Somerset*, *Princessa*, *Norfolk*, *Namur*, *Marlborough*, *Dorsetshire*, *Essex*,
C
Rupert,

Rupert, Royal Oak, (of the said *T—— M——*'s Division) whereby the Van of his Majesty's Fleet (the said *W—— R——*'s Division) and being only, besides the four Ships employ'd, as aforesaid, the *Sterling-Castle, Warwick, Nassau, Chatham, Chichester, Boyne, Barfleur*, and *Princess Caroline*, was by the Signals for the Line, and to engage the Enemy, which were conspicuously flying, and in full Sight of his Majesty's Fleet, from the Van to the Rear, directed to attack the Van and Centre of the combin'd Fleets, which were 18 or 19 Ships; which Conduct of the said *T—— M——* was contrary to Discipline, in Breach of his Duty, the Fighting-Instructions, and to the great Danger of his Majesty's Fleet.

7. That soon after the said *T—— M——* did bear down in his Majesty's Ship *Namur*, and did fire at the *Spanish* Admiral, as aforesaid; he, in his Majesty's Ship *Namur*, did shoot a-head, haul his Wind, withdraw, and continue to keep back from the Fight with his Majesty's Enemies, and did thereby leave his Majesty's Ship *Marlborough* to be hard press'd in Battle by the *Spanish* Admiral aforesaid, and his second a-stern of him; and during the Engagement his Majesty's Ship the *Marlborough* being disabled, having her Mizzen and Main-Masts shot away; and after she was so disabled as aforesaid, did continue engaged in Fight with the

the said *Spanish* Admiral, and his second a-stern of him, which the said T—— M——, being in Command, as aforesaid, and being capable of yielding Assistance or Relief to his said Majesty's Ship *Marlborough*, by going with his Majesty's Ship *Namur*, then under his Command, or ordering any of his Majesty's Ships in the Centre, under his Command, to her Assistance, particularly the *Dorsetshire*, *Essex*, *Rupert*, and *Royal Oak*, which he or they might have done; notwithstanding which, he, the said T—— M——, did not order any of the Ships aforesaid to the Relief or Assistance of the *Marlborough*, and did not do his Utmost to assist and relieve his Majesty's Ship *Marlborough*, but withdrew, and kept back himself, and the Ships of his Division, from the Fight or Engagement, contrary to his Duty, and the Articles of War.

8. That between the Signal made to engage the Enemy, and the signal for the Fleet to give over Chace, after the Fire-ship blew up, and in the Afternoon's Engagement, as aforesaid, on the 11th of *February*, there not being more than five Ships of the *Spanish* Squadron, the Rear of the said combined Fleets that did engage within Gun-shot, out of which five the said *Spanish* Admiral's second a-head of him was soon put to Flight, and beat to Leeward out of the Enemy's Line by his Majesty's Ship *Norfolk*.

The Ship a-head of the said *Spanish* Admiral's Second in the Enemy's Line was disabled, having her Main-Mast shot away, and afterwards struck to his Majesty's Ship *Berwick*, and also the *Spanish* Admiral's Ship was greatly disabled by his Majesty's Ship *Marlborough*; notwithstanding which, and the said T—— M—— had it in his Power to order and dispose of his Majesty's Ships, the *Berwick*, *Kingston*, *Salisbury*, *Guernsey*, *Oxford*, *Dragon*, *Somerſet*, *Princeſſa*, *Norfolk*, *Namur*, *Dorſetſhire*, *Effex*, *Rupert*, and *Royal Oak*, for the immediate Deſtruction of the ſaid five Ships, and to endeavour to take, fire, kill, and endamage the Enemy, and to relieve his Majesty's Ship *Marlborough*; yet, nevertheless, the ſaid T—— M—— did not uſe the Means in his Power, and endeavour his Utmoſt to take, fire, kill, and endamage the Enemy; nor did he, as it was his Duty to have done, order and direct the aforeſaid fourteen Ships under his Command to engage, and join in Battle, according to the Situation, and Inferiority of the Enemy, during the ſaid Afternoon's Engagement, his Majesty's Inſtructions, and the Articles of War: But, on the contrary, the ſaid T—— M—— not only withdrew, and kept back himſelf, but did connive at the notorious Breaches of Duty of others under his Command, by not giving the neceſſary Orders and Directions as Commander in Chief, and which was his Duty to have done, for the Deſtruction

Destruction of the said five Ships of the *Spanish* Squadron; nor did he, as was incumbent on him, according to the Fighting-Instructions, send for the Captains who failed in their Duty on this important Occasion, and appoint others in their Room; whereby so good an Opportunity of effectually destroying, burning, or taking the five Ships, as aforesaid, was lost, to the great Dishonour of his Majesty's Fleet, and the great Danger of his Majesty's Ship *Marlborough*, which Ship was thereby left alone to fight against the *Spanish* Admiral, and his Second a-stern of him, as aforesaid, during most Part of the Time the said Engagement continued.

9. That the said T—— M—— being in Command, as aforesaid, did not give Orders on the said 11th Day of *February*, before the said Action began, to Captain M——, of his Majesty's Fireship, *Ann-Galley*, to prime and prepare the Fireship under his Command, to be ready to execute the Service, as Occasion might offer, according to Practice, and the Nature of that Service; since the Attempt of burning a Ship greatly depends on Readiness and sudden Execution; for, tho' a Ship may be so disabled, as to give a fair Opportunity for burning her, yet, if the Fire-ship be not prim'd, and prepar'd, ready to catch the Occasion, when it offers; the Time she will take to prime, may, very probably, put the Enemy in a Condition

Condition to defeat the Enterprize; notwithstanding which, the said T— M— contrary to Practice, and in Breach of his Duty, did not give the necessary and preparatory Orders to the said Captain M—y; but during the Engagement the *Spanish* Admiral having been greatly disabled by his Majesty's Ship *Marlborough*, the said T— M— did send down the Fire-ship unprepared to burn the *Spanish* Admiral's Ship, without allowing the said Captain M—y Time sufficient to prime the Fire-ship, being obliged to prime all the Way with loose Powder: And also the said T— M— did notoriously neglect to go himself in his Majesty's Ship *Namur*, or to send his Majesty's Ships *Dorsetshire*, *Essex*, *Rupert*, and *Royal Oak*, or any of them, which Ships were ready at Hand to cover and conduct the said Fire-ship, while she performed that important Service, by which Means the said Fire-ship blew up without Success, and the Opportunity of burning the *Spanish* Admiral's Ship was lost; whereas had the Fire-ship been prim'd ready for Service, and cover'd by his Majesty's Ships *Namur*, *Dorsetshire*, *Essex*, *Rupert*, and *Royal-Oak*, or any of them, the *Spanish* Admiral's Ship would not only have been burnt, but the Sternmost Ships in the Rear of the said *Spanish* Admiral would have been hindered from getting a-head.

10. That soon after the said Fire-ship blew up by the Means aforesaid on the said 11th of February, the Van of his Majesty's Fleet, the said *W— R—y's* Division, being standing on the contrary Tack to the Line of Battle, and by crouding Sail, and hauling close upon a Wind, was endeavouring to run from the great Superiority of the *French* Squadron, which was then standing on the same Tack, and keeping close after the said Van of his Majesty's Fleet, the said *W— R—* having at that very Time, the Signal abroad for the Ships in her Division to bear down into the Rear-Admiral's Wake, the said *T— M—* did haul, or caused to be haul'd down, the Signal for the Line of Battle, and engaging the Enemy, and did hoist, or caused to be hoisted the Signals for the Fleet to give over Chace, and soon after the said *T— M—* did make the usual Signal to give over Chace, he did make the Signal for the Line of Battle a-head, and did in his Majesty's Ship *Namur* wear round, and did accordingly stand, with his Majesty's Fleet under his Command on the Starboard Tack from the said combin'd Fleets, and did thereby leave a disabled 60 Gun Ship, that struck during the Engagement, to be retook by the *French* Squadron, with the Lieutenant of the *Berwick*, and twenty or more of the said Ship's Company on board of her; and the said *T— M—* did continue to stand from his Majesty's Enemies with the Fleet under

under his Command, and did, during the whole Night of the said 11th of *February* ply to Windward, without sending Cruisers to observe the Motions of the Enemy, by which Means, his Majesty's Fleet at Day-break on the 12th of *February* was four, five or six Leagues to Windward of the said combin'd Fleets, and could not all the said 12th of *February*, get up to engage and join in Battle with his Majesty's Enemies, which Conduct of the said *T—— M——* was to the great Damage of his Majesty, in Breach and Violation of the Articles of War, and his Majesty's Instructions.

11. That the said *T—— M——*, on the said 12th of *February*, did bear down and give Chace to the Enemy, forming his Majesty's Fleet under his Command, in a Line a-breast, according to the Signal which the said *T—— M——* had made, and kept abroad; and as his Majesty's Fleet drew near to the said combin'd Fleets, which retreated, not formed in Order of Battle, before his Majesty's Fleet; and notwithstanding the said *T—— M——* did see the *Spanish* Squadron a-head, and to Leeward of the Confederates, and four of the said *Spanish* Ships appeared in his Sight to be disabled, among which was the *Spanish* Admiral's Ship being not able to make more Sail upon her than a Sprit-Sail, and a Fore-Stay Sail, and by her continued Nearness, and never altering her Distance from a Ship a-head of her, she appeared

appeared to be in Tow of a large Ship that had all her Sails abroad; notwithstanding which, and though it was a fine Moon-light Night, Wind and Weather fair, and sufficient to have gone in Chace of the Enemy, and his Majesty's Fleet continued to have the Weather-Gage, and it would have been easy for the said Fleet to have continued under Sail, and in Sight of the combin'd Fleets by making more and more Sail, as the Enemy appeared less and less perceptible, or otherwise have shortened Sail, as his Majesty's Fleet did come up; yet nevertheless the said T. — M — in Breach of his Duty, and Violation of his Majesty's Instructions, and contrary to the Articles of War, did bring to with the said Fleet under his Command, and did thereby forbear to pursue the Chace of his Majesty's Enemies, and their Confederates then flying; neither did the said T. — M — send Cruisers to observe the Motion of the Enemy during the Time his Majesty's Fleet lay to, but withdrew, and kept back from pursuing the Chace, contrary to his Duty, in Breach and Violation of the Articles of War, and his Majesty's Instructions.

12. That as his Majesty's Fleet drew near to the said combin'd Fleets on the said 12th of *February*, the disabled 60 Gun Ship that had struck the Day before, and had been retaken by the *French Squadron* in the Evening,

D

ing,

ing, with the *Berwick's* Lieutenant and Men on board of her, was disabled by the Enemy; whereupon the said T—— M—— did send Captain N—— of the *Essex* to burn the said disabled Ship, which Captain N—— did, and she afterwards blew it, notwithstanding that the Ship might have been saved for his Majesty's Use and Service, as the said Ship's Fore and Mizen-Masts were standing, and she had a great Quantity of Stores on board of her, and the said T—— M—— could, consistent with the Disposition of both Fleets, more especially as the combin'd Fleets were then encumbered and disabled and were then flying before his Majesty's Fleet, have spared a Frigate to have sent the said disabled Ship to *Minorca*, which was his Duty to have done.

13. That on the 13th of the said Month of *February*, the said R—— L—— in the Morning, did make the Signal to the said T—— M—— for seeing twenty Ships, or upwards, of the Enemy, which Signal his Majesty's Ship *Torbay* did repeat, being then a-stern of the said R—— L——, and the said T—— M—— was then in full Sight of the said Signal made and repeated, as aforesaid, having soon after hoisted a Flag striped Red and White at the Fore-top-mast-head, and fired a Gun, which Signal by the 30th Article of the Fighting-Instructions, was for the said R—— L——, and his Division, to draw into a Line a-head; and by the

the 14th Article of the Sailing-Instructions, it is for the Vice-Admiral to send Ships to Chace; whereupon the said R — L — did answer the said Signal, by hoisting a Flag striped Red and White at the Fore-top mast-head, as is directed by the Fighting-Instructions, and at the same Time, the said R — L — did make the proper Signals for those Ships in his Division stationed a-head of him in the Line of Battle, leading with the Star-board-Tack to get into their Stations, and to give Chace to the Enemy, and the said R — L — did gain upon the combin'd Fleets, and did make their Ships more and more plain, being able to see many of them from the Deck: Notwithstanding which, and tho' his Majesty's Fleet continued to have the Advantage of the Weather-Gage of the combin'd Fleets, with a fresh Gale of Wind, and thereby had the Chace been continued by his Majesty's Fleet, the said combin'd Fleets must have left, or given up their lame Ships, particularly the *Spanish* Admiral, or given his Majesty's Fleet Battle: Yet the said T — M — did make the Signal for the Fleet to give over Chace, and did thereby withdraw, and keep back with the said Fleet under his Command, from pursuing the Chace of his Majesty's Enemies, and their Confederates, contrary to his Majesty's Instructions, in Breach and Violation of his Duty, and the Articles of War.

14. That the said *T* — *M* — was a principal Cause, or Occasion of the Misconduct of his Majesty's Fleet in the *Mediterranean*, and was guilty of divers notorious Neglects and Breaches of Instructions, particularly by his neglecting to call a Council of War, by his neglecting to appoint proper Signals in the Night, by his bearing down to engage before the said *R* — *L* — and his Division, and the said *W* — *R* — and his Division had form'd, and closed the Line of Battle; by his not keeping the said Fleet under his Command in the Line of Battle, by ordering the Van of his Majesty's Fleet to engage at Odds, and unequally, by his hauling the Wind, and leaving his Majesty's Ship *Marlborough* in Distress, and by withdrawing and keeping back from the Fight himself, and not ordering any of his Majesty's Ships to her Assistance, by his not giving Orders for the *Ann-Galley* Fireship to prime before the Engagement, and neglecting to send a Ship of War to cover her, by leaving the *Spanish* 60 Gun Ship aforesaid to be retaken by the Enemy, together with several of his Majesty's Subjects, by burning the said 60 Gun Ship, when she might have been preserved to his Majesty's Service, and by his leaving off, and quitting the Chace aforesaid.

15. That the said *T* — *M* — was guilty of divers notorious Breaches of his Duty, as Admiral and Commander of his Majesty's

Majesty's said Fleet upon the said 8th, 9th, 10th, 11th, 12th, and 13th Days of *February*, before, and during the Engagement of his Majesty's Fleet with the combin'd Fleets of *France* and *Spain* in the *Mediterranean Sea*, and was a principal Cause of the Miscarriage.



DEBATES

D E B A T E S
O F T H E
C O U R T - M A R T I A L
O N T H E
A R R E S T
O F
A — I M — N E ,

On Board the Prince of Orange, at Deptford, Thursday the Twenty-second of May 1746.

AT a Court-Martial held this Day by Adjournment,

P R E S E N T ,

Perry M—ne, Esq; Rear-Admiral of the Blue, and Commander in Chief, &c. &c. &c.
P R E S I D E N T .

The Hon. J—n B—g, Esq; Rear-Admiral of the Blue.

Captains as at last Meeting.

Th

Then the President ordered the Prisoner to be brought into the Court.

Vice-Admiral *L — ck* brought into Court, attended by the Marshal.

The President ordered the Deputy Judge-Advocate, to read the Letter which he had received from the Secretary to the Lords of the Admiralty, in Answer to the Resolutions of the Court on their last Meeting which had been sent to their Lordships, and also a Copy of a Letter their Lordships had received from the *D — of N —*.

The Judge-Advocate read the same as follows :

A Letter from Mr. C — rb — tt, addressed to the President, dated the 21st of May, 1746.

HAVING laid your Letter of the 16th Instant, and also the Resolutions of the Court-Martial, brought here by the Deputy Judge-Advocate, before the Lords Commissioners of the Admiralty ; their Lordships thought the said Resolutions a Matter of such high Importance, that they laid the same before his Majesty ; in Consequence of which, they have received a Letter from his Grace the *D — of N —*, his Majesty's principal Secretary State, an attested Copy, whereof
I am

I am commanded to send you inclosed Their Lordships make no doubt but every Gentleman, who is a Member of the Court Martial, will be greatly satisfied with his Majesty's gracious Expressions contained in the said Letter : And as they are assured of his Majesty's Protection, and of having an entire Satisfaction for the Indignity offered them and that proper Methods should be taken to prevent the like for the future, their Lordships hope the Court will unanimously agree to go on with the present Trial, and to continue doing so till the whole is finished.

Signed,

T—s C—tt, S—

Then the attested Copy of the Letter from the D— of N—, to the Lords Commissioners of the Admiralty, was read, dated the 20th of *May*.

My Lords,

I Have received your Lordship's Letter of the 16th Instant, with the Papers inclosed, relating to the Writ served on Rear Admiral M—ne, who presides at the Court Martial at *Deptford*, for enquiring into the Conduct of Vice-Admiral L—ck, and the Resolutions of the Court-Martial thereupon and have laid the same before the King. His Majesty expressed great Displeasure at the Insult offered to the Court-Martial, by which

the Military Discipline of the Navy is so much effected. The King highly disapproves of the Conduct of Lieutenant *Fr* —, and his Majesty has it under Consideration what Steps are to be taken herein: And in the mean Time, desires you will acquaint the Members of the Court, that they may depend on his M—'s Protection, and the proper Methods will be taken to procure them Satisfaction for this Insult, and that Care will be taken to prevent the like for the future.

Signed,

H ——— N ———.

Then Captain *H-m-lt-n*, one of the Members of the Court, said, " We have his Majesty's Royal Assurance of Protecting us, and obtaining us Satisfaction; we can have no more, and must rest satisfied with this at present: But it will be proper for us to give the Lords of the Admiralty the Reasons for our acting as we have done. And as the Court should be as private as possible in deliberating upon that, therefore it will be proper the Court should be cleared." And all Parties were ordered to withdraw.

After about four Hours, the Court was again opened, and the President ordered the Prisoner to be brought in.

Vice-Admiral *L — ck* brought into Court.
E The

The two foregoing Letters were again read by the Deputy Judge-Advocate; and then the following Letter from the Court, to the Secretary of the Lords of the Admiralty, was read as follows:

S I R,

WE desire you'll be pleased to inform their Lordships, that having read your Letter, as also the Copy of that from his Grace the D — of N —, signifying his Majesty's Royal Assurance of his most gracious Protection; and for procuring us Satisfaction for the Indignity offered us, and that proper Methods would be taken for preventing any Thing of the like Nature for the future: According to their Lordship's Desire, we have unanimously agreed to proceed on this Trial; but we think it necessary to give their Lordship's the Reasons for what we have done upon this dangerous Attack on the Peace and Quiet of these Kingdoms, the Prerogative of the Lord High Admiral, and the Privilege of the House of Commons. It appears to us, that Sir J — W —, Knight, L — C — J — of his Majesty's Court of C — n — P — s, having no regard to the Honour of his Majesty, nor to the Laws and Statutes of the Realm, nor the Protection of these Dominions in the Time of open War, and of Rebellion, favoured, aided, and abetted at Home, contrary to his Duty, and in Breach of the Laws established by Act of Par-

Parliament, and Custom immemorial (by which his Majesty's Navy has been prudently and wisely govern'd to the great Glory of his Majesty) and in open Defiance of his Majesty's Commands, in Consequence of an Address from the Honourable House of Commons: He, the said Sir *J—W—*, issued out a Writ, dated the 12th of *May*, Instant, to arrest, seize, and secure, the Body of *P—ry M—ne*, Esq; and *J—s R—nt—n*, Members Constituent, and Judges of the Court-Martial then sitting, by Order of the Lords Commissioners for executing the Office of Lord High Admiral, by Virtue of an Act of Parliament made in the Thirteenth Year of the Reign of King *Charles* the Second; and caused the said Writ to be served on the said *P—rry M—ne* and *J—s R—n*, by which crafty and subtle Device, he did let and disturb the Laws of the Land, by forcibly taking away the Judges of the said Cour, then sitting by Command of the King: And tho' in a Clause, at the End of the said Writ, it is artfully added, That they were served with that Writ, to the Intent they might, by their Attornies, appear at the Return thereof, in his Majesty's C ——— of C ——— P ———. Yet it appears to us, that it was only intended that we might, thro' an Oversight, proceed judicially to determine the Matters before us, and that our final Sentence might be thereby declared void, to the entire Defeat of this solemn

solemn, grand, and the National Enquiry.

Secondly. That the Grounds of this Writ was an Action recommended by the said Lord Cheif Justice in open Court. against the said *P——y M——e*, and *J——s R———n*, for a Sentence pronounced by them at a Court-Martial at which they were Judges, by Virtue of the Statute-Law of the Land, and Usage and Custom of the Navy. That in Consequence of this Breach and Violation of the Laws, the Credit, as well as the Authority of the Court-Martial, (which is a supreme Court, and which cannot acknowledge any superior, and from whence no Appeal will lie but to his Majesty) and the whole Order and Discipline for the Government of his Majesty's Navy, established by Act of Parliament, made in the Thirteenth Year of King *Charles* the Second, is attempted to be overthrown, and by which Device the Honour of his Majesty has been illuded and the Foundation of the Laws destroyed.

F I N I S.